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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

11 DANA HACKENBERGER,
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13 Plaintiff,

14 v.

15 UNITED STATES OF AMERICA ex.
16 Rel. UNITED STATES DEPARTMENT
17 of ENERGY; DOES I through X; and
18 ROE BUSINESS ENTITIES I through X,
19 inclusive,

20 Defendant.

Case No. 2:23-cv-00055-JAD-MDC

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JOINT PRETRIAL ORDER

After pretrial proceedings in this case,

IT IS SO ORDERED:

I.

NATURE OF ACTION AND RELIEF SOUGHT

Dana Hackenberger ("Plaintiff") brings this tort action under the Federal Tort Claims Act ("FTCA") against the United States of America ("United States"). Plaintiff alleges she sustained personal injuries from a motor vehicle collision on January 13, 2021. The claims proceeding to trial are: (1) Negligence; and (2) Negligence Per Se.

1 II.

2 **STATEMENT OF JURISDICTION**

3 The Court's subject matter jurisdiction arises under the FTCA, codified at 28
4 U.S.C. § 1346 *et. seq.* Because this is an FTCA case, the Court will be acting as the trier-of-
5 fact. There will be no jury trial in this case. Venue is proper under 28 U.S.C. § 1391(b)(2).

6 III.

7 **ADMITTED FACTS**

8 The following facts are admitted by the Parties and require no proof:

9 1. Plaintiff and Brian Paul Jones were involved in a motor vehicle collision on
10 January 13, 2021.

11 2. At the time of the collision, Brian Paul Jones was acting in the course and
12 scope of his duties as a National Nuclear Security Administration ("NNSA") employee.

13 3. At the time of the collision, the registered owner of the 2015 Hyundai Sonata
14 Hybrid was the United States.

15 4. Because of the foregoing, the United States is responsible for the harm, if
16 any, caused to Plaintiff by Brian Paul Jones as a result of the collision on January 13, 2021.

17 IV.

18 **FACTS NOT CONTESTED**

19 The following facts, though not admitted, will not be contested at trial by evidence
20 to the contrary: None.

21 V.

22 **ISSUES OF FACT**

23 The following are the issues of fact to be tried and determined at trial:

24 1. The duty of care owed and to whom.

25 2. The actions or inactions taken to constitute a breach of duty of care.

26 3. Whether Defendant violated NRS 484B.127 and is therefore negligent as a
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1 matter of law.

2 4. The cause of the collision.

3 5. Whether, and to what extent, Plaintiff suffered injury and/or sustained
4 damages from the collision, if any.

5 6. Whether, and to what extent, Plaintiff suffered property damages from the
6 collision.

7 7. The extent and quality of Plaintiff's pre-existing medical conditions, if any.

8 8. Whether Plaintiff's alleged damages, if any, are attributable to medical
9 conditions that pre-existed the collision.

10 9. Whether Plaintiff contributed to her own alleged damages.

11 10. Whether and to what extent Plaintiff incurred damages as proximately
12 caused by her own negligence.

13 11. The amount and extent of damages claimed for (1) past medical expenses;
14 (2) future medical expenses that Plaintiff is reasonably certain to incur; (3) reasonable value
15 of household services, both past and future; (4) physical and mental pain, suffering,
16 anguish, disability, and loss of the enjoyment of life endured by Plaintiff from the date of
17 the incident to present and that which she will be reasonably certain to experience in the
18 future as a result of the incident.

19 12. The amount and extent of damages claimed for property loss sustained by
20 Plaintiff.

21 13. Whether Plaintiff's claim for medical damages were reasonably and
22 necessarily incurred and caused by the collision.

23 14. Plaintiff's efforts to mitigate her alleged damages.

24 15. Any issues of Fact stated above that are more properly considered to be
25 issues of law, and vice versa, shall be so deemed and considered. Both sides reserve the
26 right to challenge, argue, and/or contest contentions made through jury instructions and
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1 motions in limine.

2 **VI.**

3 **ISSUES OF LAW**

4 The following are the issues of law to be tried and determined at trial:

5 **1. Duty of Care.** Generally, everyone has a duty to exercise reasonable care
6 when their conduct creates a risk of physical harm to others. Nev. J.I. 4.3. Negligence is
7 the failure to exercise the degree of care which an ordinarily careful and prudent person
8 would exercise under the same or similar circumstances. *Id.* Ordinary care is care which
9 persons of ordinary prudence exercise in the management of their own affairs to avoid
10 injury to themselves or to others. *Id.* The issues as to duty are:

11 a. Whether the Plaintiff was owed a duty of care.

12 **2. Breach of the Duty of Care.** Whether Defendant breached the duty of care
13 owed by his actions on the date in question: OR

14 **3. Negligence Per Se.** Whether Defendant violated NRS 484B.127 and is
15 therefore negligent as a matter of law. Nev. JI 4.13.

16 **4. Proximate Cause.** A proximate cause of injury, damage, loss, or harm is a
17 cause which, in natural and continuous sequence, produces the injury, damage, loss, or
18 harm, and without which the injury, damage, loss, or harm, would not have occurred.
19 Nev. J.I. 4.4. The issues as to causation are:

20 a. Whether a breach in the duty of care proximately caused the collision, either
21 through a statutory violation (e.g., NRS 484B.127) or common law.

22 b. Were Plaintiff's alleged injuries proximately caused by the breach of
23 standard of care.

24 c. Were Plaintiff's alleged injuries legally caused by the breach of the standard
25 of care. A legal cause of injury, damage, loss, or harm is a cause that is a
26 substantial factor in bringing about the injury, damage, loss or harm. A
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substantial factor in causing harm is a factor that a reasonable person would consider to have contributed to the harm. It must be more than a remote or trivial factor. It does not have to be the only cause of the harm. Nev. J.I. 4.5.

5. Comparative Negligence. A plaintiff may not recover damages if his comparative negligence contributed more to his injury than the negligence of the defendant. Nev. J.I. 4.8. However, if the plaintiff is negligent, the plaintiff may still recover a reduced sum, so long as his comparative negligence was not greater than the negligence of the defendant. *Id.* The issues as to comparative fault are:

- a. Whether Plaintiff was negligent (and if so, by what percentage).
- b. Whether Plaintiff's negligence was a substantial factor in causing her own harm.
- c. Does Plaintiff's percentage of negligence exceed the negligence of Brian Paul Jones, if any, barring recovery pursuant to NRS 41.141.(1).
- d. The percentage of negligence attributable to Plaintiff shall reduce the amount of such recovery by the proportionate amount of such negligence and the reduction will be made by the Court.

6. Comparative Negligence of Plaintiff.

Defendant claims that Plaintiff is responsible for some or all of Plaintiff's claims. The Court will return a special verdict indicating the percentage of negligence attributable to each party. Plaintiff may not recover damages if her comparative negligence has contributed more to her injury than the negligence of the Defendant. However, if the Plaintiff is negligent, she may still recover a reduced sum so long as his comparative negligence was not greater than the negligence of Defendant. The percentage of negligence attributable to the Plaintiff alone shall reduce the amount of such recovery by the proportionate amount of such negligence, and the reduction will be made by the Court. N.J.I. 9.19.

1 **7. Damages.** In determining losses, if any, suffered by Plaintiff as a proximate
 2 (legal) cause of the accident concerning (1) past medical expenses; (2) future medical
 3 expenses; (3) property damage; and (4) the physical and mental pain, suffering, anguish,
 4 disability, and loss of enjoyment of life (both past and future), (5) reasonable value of
 5 household services (both past and future), the Court must take into consideration the
 6 nature, extent, and duration from the evidence and decide upon a sum to reasonably and
 7 fairly compensate reasonable and necessary medical expenses incurred in the past; future
 8 medical expenses; and pain and suffering. *See Nev. J.I. 5.1.* Additional issues for the
 9 Court's determination are as follows:

- 10 a. Whether Plaintiff's injuries, if any, were caused by pre-existing medical
 11 conditions that existed prior to the accident. A person who has a condition
 12 or disability at the time of the accident is not entitled to recover damages
 13 therefor. *See Nev. J.I. 5.3.* However, she is entitled to recover damages for
 14 any aggravation of such pre-existing condition or disability proximately
 15 resulting from the injury. This is true even if the person's condition or
 16 disability made her more susceptible to the possibility of ill effects than a
 17 normally healthy person would have been, and even if a normally healthy
 18 person probably would not have suffered any substantial injury. *See Nev. J.I.*
 19 *5.3.*
- 20 b. Whether Plaintiff can prove by a preponderance of the evidence that she
 21 experienced any pain, suffering, or loss of enjoyment of life because of the
 22 incident, if at all. *See Nev. J.I. 5.1(5).*
- 23 c. The physical and mental pain, suffering, anguish, disability, and loss of
 24 enjoyment of life you believe the plaintiff is reasonably certain to experience
 25 in the future as a result of the incident, discounted to present value. *See Nev.*
 26 *J.I. 5.1(5).*
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d. Whether Plaintiff mitigated her alleged damages. *See* Nev. J.I. 13.49.

8. Any issues of law stated above that are more properly considered to be issues of fact, and vice versa, shall be so deemed and considered. Both sides reserve the right to challenge, argue and/or contest contentions made through jury instructions and motions in limine.

VII.

The following exhibits are stipulated into evidence in this case and may be so marked by the Clerk:

1. Stipulated Exhibits Agreed to By the Parties

1.	Traffic Accident Report	PLTF000001 – PLTF000010
2.	Property Damage Estimate of Plaintiff's vehicle	PLTF000011 – PLTF000014
3.	Photographs of property damage of Plaintiff's vehicle	PLTF000015 – PLTF000021
4.	Medical records from Southwest Medical Associates, a/k/a Collaborative Care Services Inc., a/k/a Optum	PLTF000022 – PLTF000048
5.	Medical records and bills from Rehab to Wellness	PLTF000049 – PLTF000091
6.	Medical records and bills from Spine and Orthopedic Interventionists	PLTF000092 – PLTF000125
7.	Medical records and bills from Wolfson Medical Center a/k/a Wolfson and Wolfson	PLTF000126 – PLTF000141
8.	Medical records and bills from QuickCare Medical Devices	PLTF000142 – PLTF000150
9.	Medical records and bills from Orthocor Medical a/k/a Caerus Corp	PLTF000151 – PLTF000153
10.	Medical records and bill from Las Vegas Radiology	PLTF000169 – PLTF0000193
11.	Medical records and bill from West Sunset Surgery Center and records from Minimally Invasive Center of Excellence	PLTF000194 – PLTF000258
12.	Medical record and bill from Advantage Diagnostic Imaging Center	PLTF000259 – PLTF000260

1	13.	Medical record and bill from Extremities Surgical Institute	PLTF000261 – PLTF000264
2	14.	Medical record and bill from Smith Therapy Partners	PLTF000265 – PLTF000299
3	15.	Southwest Medical Medical, Billing, and Radiology Records with COR. Imaging Provided.	PLTF000300-PLTF000328
4	16.	Rehab to Wellness Medical and Billing Records with COR	PLTF000329-PLTF000367
5	17.	Wolfson & Wolfson / Wolfson Medical Center Medical & Billing Records with COR	PLTF000368-PLTF000376
6	18.	Orthocor Medical and Billing Records with COR	PLTF000377-PLTF000384
7	19.	Las Vegas Radiology Medical, Imaging, and Billing Records with COR	PLTF000385-PLTF000401
8	20.	West Sunset Surgery Center / Minimally Invasive Center Medical and Billing records with COR	PLTF000402-PLTF000490
9	21.	Advantage Diagnostic Imaging Medical, Imaging, and Billing Records with COR	PLTF000491-PLTF000511
10	22.	Extremities Surgical Institute Medical and Billing Records with COR	PLTF000512-PLTF000515
11	23.	Smith Therapy Medical and Billing Records with COR	PLTF000516-PLTF000555
12	24.	Advanced Recovery Solutions/Quick Care Medical Devices Medical and Billing Records with COR	PLTF000556-PLTF000570
13	25.	CBD Doctors Medical Records with COR	PLTF000599-PLTF000617
14	26.	Advantage Diagnostic Imaging Billing & Imaging	PLTF000625
15	27.	CBD Doctors Melbourne Billing & Imaging Provided	PLTF000626 -PLTF000632
16	28.	1st Vegas Auto Body Shop Estimate	PLTF000633 -PLTF000636
17	29.	Future Medical Imaging Group Billing, Imaging	PLTF000637
18	30.	Plaintiff's Amended SF-95 Administrative Claim and Exhibits	US000009 - US000212
19	31.	Photos	US000213 – US000214
20	32.	Photos received from Brian Jones	US000217-US000239
21	33.	Medical, billing and radiology records from Advantage Diagnostic Imaging	US000240-US000254

34.	Medical, billing and radiology records from Las Vegas Radiology	US000255-US000271
35.	Medical and billing records from West Sunset Surgery Center, LLC d/b/a Minimally Invasive Center of Excellence	US000272-US000330
36.	Medical and billing records from KD Finance LLC for Quick Care Medical Devices	US000387-US000405
37.	Medical and billing records from Smith Therapy Partners	US000406-US000427
38.	Medical, billing and radiology records from Southwest Medical Associates	US000428-US000450
39.	Medical, billing and radiology records from Spine and Orthopedic Interventionist	US000451-US000489
40.	Medical and billing records from Wolfson Medical Center	US000490-US000511
41.	Vehicle Valuation by State Farm to Jason Coolack regarding 2018 Nissan Altima SL	US000512-US000523
42.	Preliminary Estimate from 1st Vegas Auto Body Shop for Dana Hackenberger	US000540-US000543
43.	Medical and billing records from OrthoCor Medical Bates	US000546-US000553
44.	Medical and billing records from Rehab to Wellness, PLLC,	US000554-US000606
45.	Spreadsheet from contractor MSTs: G100678R.csv with a pdf. version	US000607
46.	Videos 1 – 4 of property damage at incident scene	

2. Plaintiff's Exhibits & Federal Defendant's Objections

None

3. Federal Defendant's Exhibits & Plaintiffs' Objections

1.	Plaintiff's Original SF-95 Administrative Claim ¹	US000001 – US000002	Hearsay, relevance, prejudicial, best
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¹ Plaintiff and Federal Defendant anticipate motion practice regarding the SF-95 and other

			evidence
2.	Plaintiff correspondence re: Representation	US000003	Hearsay, relevance, prejudicial, best evidence
3.	Plaintiff correspondence re: Amended Claim and Demand Package	US000004 – US000008	Hearsay, relevance, prejudicial, best evidence, prior settlement offer
4.	Plaintiff's vehicle title	US000215	Hearsay, relevance, prejudicial, best evidence
5.	Statement of Witness Jason Coolack	US000524	Hearsay, relevance, prejudicial, best evidence
6.	Motor Vehicle Accident Report	US000525 – US000528	Hearsay, relevance, prejudicial, best evidence
7.	Note	US000529	Hearsay, relevance, prejudicial, best evidence
8.	Traffic Crash Report	US000530 – US000539	Hearsay, relevance, prejudicial, best evidence
9.	Email from Brian Jones to Geraldine Trujilo regarding accident	US000544 – US000545	Hearsay, relevance, prejudicial, best evidence

4. Electronic Evidence

Currently, neither party anticipates presenting any electronic evidence. Should that change, the Court will be notified immediately.

5. Demonstrative Exhibits

Both parties intend to utilize demonstrative exhibits as their case-in-chief, to include models or blown up images or exhibits, models or boards of various parts of the human body, diagnostic tests and imaging, power point images, drawings, animations, story

administrative material prior to the start of trial.

boards of the incident and the location of the incident.

6. Depositions

1. Plaintiffs will offer the following depositions: Plaintiffs do not intend to offer page and line designations at this time for any deposition transcripts. In the event Plaintiffs learn that a witness is unavailable to testify at trial, Plaintiffs will notify all parties and the Court of page and line designations of the unavailable witness' deposition transcript to offer at trial. Plaintiffs reserve the right to use deposition transcripts to refresh recollection, to impeach, and otherwise to use at trial in accordance with applicable rules, e.g., Fed. R. Civ. P. 32, and Fed. R. Evid. 801(d); *see also* Nevada state rules.

2. Federal Defendant will offer the following depositions: Federal Defendant does not intend to offer page and line designations at this time for any deposition transcripts. In the event Federal Defendant learns that a witness is unavailable to testify at trial, Federal Defendant will notify all parties and the Court of page and line designations of the unavailable witness' deposition transcript to offer at trial. Federal Defendant reserves the right to use deposition transcripts to refresh recollection, to impeach, and otherwise to use at trial in accordance with applicable rules, e.g., Fed. R. Civ. P. 32, and Fed. R. Evid. 801(d); *see also* Nevada state rules.

3. Objections To Depositions:

- a. Plaintiff's Objections: None.
- b. Federal Defendant's Objections: None.

VIII.

WITNESSES

The following witnesses may be called by the Parties at trial:

1. Plaintiff's Witnesses

Witness(s)	Witness(s) Address
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1	Dana Hackenberger	c/o Barbara W. Gallagher, Esq. Kidwell & Gallagher, Ltd. 790 Commercial Street Elko, Nevada 89801
2		
3		
4	Person Most Knowledgeable and/or Custodian of Records for United States of America	c/o Sue Fahami R. Thomas Colonna Assistant United States Attorney 501 Las Vegas Boulevard South, Suite 1100 Las Vegas, Nevada 89101
5		
6	Officer Rainier Frost, Badge No. 14888	c/o Las Vegas Metropolitan Police Department 400 South Martin Luther King Blvd. Las Vegas, Nevada 89106
7		
8	Jeffrey Richter	c/o Las Vegas Metropolitan Police Department 400 South Martin Luther King Blvd. Las Vegas, Nevada 89106
9		
10	Brian Paul Jones	1581 East Elderberry St. Pahrump, Nevada 89048 (702) 794-5388
11		
12	Jason Andrew Coolack	9827 Cornwall Crossing Lane Las Vegas, Nevada 89147 (702) 559-9696
13		
14	Ryan Richard Belsick	9271 Ram Creek Lane Las Vegas, Nevada 89178 (702) 523-9144
15		
16	Dennis Hackenberger (Father)	5250 S. Rainbow Blvd., Unit 2022 Las Vegas, NV 89118, (702) 557-7052
17		
18	Adam Gresch (Friend and Business Partner)	8455 W. Sahara Ave., Unit 237 Las Vegas, NV 89117 (702) 619-7596
19		
20	Janice Taylor (Significant Other)	27b Walter Street St. Albans, VIC 3021, Austrailia +61 400 475 630
21		
22	Ashley Hackenberger (Mother)	4436 Collingwood Street Las Vegas, NV 89147 (702) 232-1945
23		
24	Lisa Hackenberger (Sister)	10640 Reunion Pkwy. Commerce City, CO 80022 (503) 830-3269
25		
26	James O'Brien (Friend)	15 Magnolia Street St. Albans, VIC 3021, Austrialia +61 421 672 661
27		
28	Jasmine Tink (Friend)	15 Magnolia Street St. Albans, VIC 3021, Austrialia

1		+61 456 636 265
2	Custodian of Records and/or	6803 West Tropicana Ave., Suite 100
3	Person(s) Most Knowledgeable	Las Vegas, Nevada 89103
4	for Wolfson Medical Center	
5	(a/k/a Wolfson and Wolfson	
6	LLP), Eric Wolfson, MD	
7	Custodian of Records and/or	8950 West Tropicana Avenue, Suite 2
8	Person(s) Most Knowledgeable	Las Vegas, Nevada 89147
9	for Rehab to Wellness Jennifer	
10	Cook, DC	
11	Custodian of Records and/or	9333 West Sunset Road
12	Person(s) Most Knowledgeable	Las Vegas, Nevada 89148
13	for Spine and Orthopedic	
14	Interventionists, Sonny Rubin,	
15	MD	
16	Custodian of Records and/or	9331 West Sunset Road
17	Person(s) Most Knowledgeable	Las Vegas, Nevada 89148
18	for Minimally Invasive Center of	
19	Excellence, Sonny Rubin, MD	
20	Custodian of Records and/or	c/o Caerus Corp.
21	Person(s) Most Knowledgeable	1251 Red Fox Rd.
22	for OrthoCor Medical	Arden Hills, Minnesota 55112
23	Custodian of Records and/or	7455 France Avenue South, Suite 373
24	Person(s) Most Knowledgeable	Edina, Minnesota 55435
25	for Quick Care Medical Devices	
26	Custodian of Records and/or	1505 Wigwam Parkway, Suite 330
27	Person(s) Most Knowledgeable	Henderson, Nevada 89074
28	for Nevada Orthopedic & Spine	
	Center, Kevin Sharif, MD	
	Custodian of Records and/or	3430 North Buffalo Drive, Suite 110
	Person(s) Most Knowledgeable	Las Vegas, Nevada 89129
	for Advantage Diagnostic	
	Imaging Center, Keith Lewis,	
	MD	
	Custodian of Records and/or	2445 Fire Mesa Street, Suite 190
	Person(s) Most Knowledgeable	Las Vegas, Nevada 89128
	for Extremities Surgical Institute,	
	Kenny Hanna, MD	
	Custodian of Records and/or	6590 South Rainbow Blvd., Suite 230
	Person(s) Most Knowledgeable	Las Vegas, Nevada 89118
	for Smith Therapy Partners, Ivan	
	Sanchez, DPT	
	Dr. Andrew Hall	Relevium Pain Specialist
		6064 S. Fort Apache Road
		Las Vegas, NV 89148

(702) 940-8007

2. Federal Defendant's Witnesses

Federal Defendant does not intend on calling Plaintiff's treating medical providers (excluding experts) on its direct case but reserves right to recall them, if needed.

Dana Hackenberger	c/o Barbara W. Gallagher KIDWELL & GALLAGHER, LTD 790 Commercial St. Elko, Nevada 89801 (775) 738-1000--Telephone (775) 753-8600 --Facsimile Barbara@kidwellgallagher.com
Jason Coolack	9827 Cornwall Crossing Ln. Las Vegas, Nevada 89147
Brian Jones, Facility Representative	c/o R. Thomas Colonna, AUSA 501 Las Vegas Blvd. So., Suite 1100 Las Vegas, Nevada 89101 (702) 388-6336
Adam J. Lorenzetti, MD	40175 Deer Trail Lane Waterford, Virginia 20197 (304) 282-8588
Officer Rainier Frost, Badge No. 14888	c/o Las Vegas Metropolitan Police Department 400 South Martin Luther King Blvd. Las Vegas, Nevada 89106
Jeffrey Richter	c/o Las Vegas Metropolitan Police Department 400 South Martin Luther King Blvd. Las Vegas, Nevada 89106

IX.

AVAILABLE TRIAL DATES

The attorneys have conferred and jointly offer the following three trial dates:

1. November 10, 2025
2. November 17, 2025
3. January 22, 2026

It is expressly understood by the undersigned that the Court will set the trial of this matter on one of the agreed-upon dates, if possible, if not, the trial will be set at the

1 convenience of the Court's calendar.

2 X.

3 **ESTIMATED LENGTH OF TRIAL**

4 It is estimated that the trial will take a total of 3 to 4 trial days.

5 APPROVED AS TO FORM AND CONTENT:

6 /s/ Barbara Gallagher

7 **Counsel for Plaintiff**

8 /s/ R. Thomas Colonna

9 **Counsel for Federal Defendant**

10 ///

XI.

ACTION BY THE COURT

IT IS HEREBY ORDERED THAT:

1. **Trial date.** This case is set down for a BENCH trial on Monday, November 10, 2025, at 9:00 a.m.
2. **Calendar call.** The parties must appear for Calendar Call on October 20, 2025, at 1:30 p.m.
3. **Length of trial.** Though the parties have indicated that they anticipate this will be a 3 to 4-day trial, so the parties should plan and prepare their witness schedules to finish this trial within 4 days.
4. **Trial documents must be filed by Calendar Call.** No later than noon on the day before the scheduled Calendar Call, each party must file with the Court: (a) the parties' trial briefs; (b) a list of each party's witnesses; (c) a stipulated exhibit list, and separate exhibit lists for exhibits that are not stipulated (the parties must meaningfully meet and confer to prepare a stipulated exhibit list before this deadline); (d) proposed findings of fact and conclusions of law.
5. **Deposition designations due 30 days before trial.** Any party who anticipates presenting deposition testimony in lieu of live testimony must file (a) page-and-line designations along with (b) a mini version of each relevant deposition transcript at least 30 days before trial; failure to timely file deposition designations will result in the preclusion of the testimony at trial. **Objections** to such designations must be filed no later than **five calendar days after** the designations are filed; failure to file timely objections to deposition designations renders those objections waived. **Responses to any such objections are due three calendar days after** the objections are filed. **Absent**

1 **extraordinary circumstances, no extension of these deadlines will be granted** with or
2 without a stipulation because rulings on such designations are time-consuming and the
3 court requires sufficient time in advance of trial to make them.

4 6. **Motions in limine.**

5 a. **MIL deadlines.** Motions in limine (MILs) are due September 11, 2025,
6 and responses are due 14 days later. These court-ordered deadlines override any deadline
7 contained in a federal or local rule and will not be extended absent extraordinary
8 circumstances. MIL replies will be allowed only with leave of court, and each side may
9 file only a single request for leave, see L.R. 16-3(a).

10 b. **Additional MIL requirements.** The process for preparing and filing
11 motions in limine will be governed by the following additional rules and considerations:

12 i. *Meaningful meet-and-confer required.* As Local Rule 16-3 requires,
13 before any motion in limine is filed, the parties must meet and confer (by telephone or in
14 person not merely by email or some other form of writing) about the substance of each
15 contemplated in-limine issue and attempt to reach an agreement on the issue. Evidentiary
16 agreements reached during this process must be memorialized by a written stipulation. If
17 the parties do not reach an agreement on an issue and a motion in limine remains necessary,
18 the motion must be accompanied by a declaration certifying that counsel actually conferred
19 in good faith to resolve the issue before the motion was filed (or re-filed), see L.R. 16-3(a).
20 The failure to include the certificate of counsel will result in the automatic denial of the
21 motion without the opportunity to cure this deficiency.

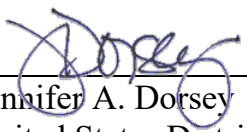
22 ii. *Only evidentiary issues.* Motions in limine must address only true
23 evidentiary issues and not be belated motions for dispositive rulings disguised as a motion
24 in limine.

1 iii. *Omnibus filing.* Any party desiring to file motions in limine on
2 multiple issues or requesting multiple rulings must include all in-limine issues in a
3 SINGLE, omnibus motion that numbers each issue consecutively; no party may file
4 multiple, separate motions. This format eliminates the need for redundant recitations of
5 facts and introductory statements of the law. If the size of the omnibus motion exceeds the
6 page limit in the local rule, see L.R. 7-3(b), a separate motion to exceed the page limits
7 should be filed contemporaneously with the omnibus motion; the motion to exceed page
8 limits must not be styled as an “emergency.”

9 iv. *Vague requests prohibited.* The parties are cautioned that vague
10 requests based on speculative issues, like requests to generally preclude improper attorney
11 arguments, violations of the golden rule, or irrelevant evidence will be flatly denied. The
12 court intends to follow the rules of evidence and procedure at trial and expects the parties
13 to do the same. Motions seeking little more than an order enforcing a rule waste the court’s
14 time and the parties’ resources. Counsel is strongly cautioned that abuse of the motion-in-
15 limine vehicle in this manner may result in sanctions against the attorneys.

16
17 This order will govern the trial of this case and may not be amended except by order of the court.
18

19 DATED: 2/6/2025

20 
21 _____
22 Jennifer A. Dorsey
23 United States District Judge
24